

## **REMARKS**

### **A. BACKGROUND**

The present Amendment is in response to the Office Action mailed April 7, 2008. Claims 1-20 were pending, with certain claims being withdrawn.<sup>1</sup> Claims 1, 2, 4, and 10 are amended. Claims 1-18 are now pending in view of the above amendments.<sup>2</sup>

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **B. EXAMINER'S INTERVIEW**

Applicant's express their appreciation to the Examiner for conducting a telephone interview with Applicant's representative to discuss the status of the previously filed amendment as relates to preparation of appropriate specification and claim amendments. The substance of the interview is included in this response.

### **C. SPECIFICATION REJECTION**

The Office Action indicated that the title of the invention was not descriptive and that the abstract was objected to as not being descriptive. Applicant respectfully disagrees. The title and abstract are both descriptive of trimming a balloon by wrapping a member around the balloon

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should the need arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for the claim amendments and new claims can be found throughout the specification and drawings as originally filed.

and subsequently removing the member. “Trimming” can refer to “to make trim; to put in due order for any purpose; to make right, neat, or pleasing; to adjust” (*Webster’s Revised Unabridged Dictionary*. Retrieved July 21, 2008, from Dictionary.com website: <http://dictionary.reference.com/browse/trimming>). Applicant’s respectfully submit that use of the term “trimming” in the title and abstract are descriptive and respectfully request withdrawal of the specification and title objections.

**D. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

The Office Action rejected claims 1-18 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For at least the same reasons stated above, withdrawal of the claim objection is respectfully requested.

**E. PRIOR ART REJECTIONS**

**I. REJECTION UNDER 35 U.S.C. § 103**

The Office Action rejected claims 1-18 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,066,298 (*Hess*) in view of U.S. Patent No. 6,110,192 (*Ravenscroft*), or in the alternative, European Patent No. EP 0834293 (*Almeleh*). Applicants respectfully traverse.

The Office Action cites *Hess* as “teach[ing] the basic method claimed . . . [but] does not teach that the wrapping creates protrusions on the balloon” (Office Action, Page 3). *Ravenscroft* and *Almeleh* were cited as “both teach[ing] catheters which have protrusions on the balloon portion” (Office Action, Page 3).

*Hess* describes collapsing the “balloon portion 14 of angioplasty catheter 10 . . . to a low profile” and “tightly wrapp[ing] [the balloon portion] in its collapsed condition with tape 18. Tape 18 may be wrapped in conventional overlapping fashion to both compress balloon portion 14 and to form a sheath which seals and protects that portion of the catheter during storage. The compression of balloon portion 14 by tape 18 is clearly shown in FIG. 2” (Col. 3, ll. 12-20) (emphasis added). This overlapping wrapping to compress and seal with “long-term storage of balloon portion 14 in its compressed condition will create some type of “cold flow” set condition in the material without the use of additional heat” (Col. 3, ll. 44-47). During the taping process,

and “[i]n order to insure uniformity of diameter, it is important to support the circumference of balloon portion 14 during winding” (Col. 3, ll. 26-28). *Hess* neither teaches nor suggests “creating protrusions on the balloon by wrapping a member around the balloon such that spaced-apart loops of the member wrapped around the balloon compress the balloon leaving uncompressed portions of the balloon between the spaced apart loops of the member wrapped around the balloon to form the protrusions on the balloon” as claimed in independent claim 1.

In addition to not teaching or suggesting the invention of independent claim 1, it is not clear how the invention of *Hess* could be modified by *Ravenscroft* and/or *Almeleh* to include “uncompressed portions of the balloon between the spaced apart loops of the member wrapped around the balloon to form the protrusions on the balloon” as claimed in independent claim 1 without defeating the underlying principle of operation of *Hess* and rendering the invention of *Hess* unsatisfactory for its intended purpose. Modifying the method to not wrap “in conventional overlapping fashion to both compress balloon portion 14 and to form a sheath which seals and protects that portion of the catheter during storage” changes the underlying principle of “overlapping” the tape and “minimizing [the balloon’s] . . . outside diameter for purpose of insertion into the body” (Abstract). Further, creating a balloon with protrusions appears to be different from the uniform diameter identified in *Hess* when *Hess* describes that during the taping process, and “[i]n order to insure uniformity of diameter, it is important to support the circumference of balloon portion 14 during winding” (Col. 3, ll. 26-28).

For at least the reasons identified above, Applicant respectfully submits that *Hess*, *Ravenscroft*, and/or *Almeleh* neither teach nor suggest the invention claimed in independent claim 1. As such, Applicant respectfully requests withdrawal of the rejection under Section 103.

#### **F. CONCLUSION**

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the

future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as provide the required motivation or suggestion to combine references with the other art of record.

For at least the foregoing reasons, Applicant respectfully submits that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 25<sup>th</sup> day of July, 2008.

Respectfully submitted,

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